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Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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Accountability and justice for South Sudan

The U.N. Commission of Inquiry on South Sudan has published a detailed report in February 2018 urging that more than 40 senior military officers and officials in South Sudan should be prosecuted on charges of crimes against humanity and war crimes. Government forces and armed rebels have systematically butchered women, children and men, slitting throats, beheading civilians, gouging out eyes, castrating and mutilating men and raping men and women on a massive scale. Sexual violence has become endemic in the civil war, which started in December 2013.

Once a again the Commission has called on the African Union(AU) to immediately set up a Hybrid Court, including South Sudanese and international judges, to end impunity. The AU has been urged in the peace agreement signed in August 2015 to build up the Hybrid Court. The agreement was sponsored by the Governments of USA and United Kingdom and brokered by the Intergovernmental Authority on Development (IGAD). A central pillar of this peace deal was the establishment of two important institutions that should help South Sudan overcome the complex process of national reconciliation, healing and nation-building: The Commission on Truth, Reconciliation and Healing, and the Hybrid Court.

The USA and Britain insisted during the talks on the peace agreement that they would not recognize any reservations or addendums, but South Sudan's President Salva Kiir and his opponent Riek Machar objected to the establishment of the Hybrid Court, which they presented as a serious obstacle to peace. In an opinion article published in the New York Times on June 7, 2016, Kiir and Machar criticized the justice and accountability element of the 2015 peace agreement. They declared that the interest in peace outweighed the interest in justice.

The AU has failed to provide priority for this important project to ensure accountability in South Sudan. Instead of ending impunity, AU has accepted that the Government of South Sudan has delayed any concrete support to the attempt to bring those responsible for the violence to court. When French Ambassador Jean-Yves Roux deplored in a public statement in July 2018 the killing of hundreds of civilians in Unity State, where at least 232 civilians were killed and 132 girls and women abducted, he was summoned to the Foreign Ministry, which lodged a formal complaint over his statement.

Despite international pressure to immediately end impunity to break the cycle of horrendous violence in South Sudan, the Government of South Sudan continues to delay the complex process of building up the Hybrid Court. Only days after signing a power-sharing agreement to end the brutal civil war, President Salva Kiir has announced a general amnesty to his former and future vice-President Riek Machar and to all other armed groups, which waged war against the Government of South Sudan. Our human rights organization is deeply concerned about this amnesty. More than 50,000 Southern Sudanese became victims of the civil war since 2013 und 2 million people had to flee. It's shameful that their political leaders who were responsible for the death of so many civilians, will not be brought to justice, but will continue in their tragic leadership roles as President and Vice-President of south Sudan as if nothing had happened.

Society for Threatened Peoples calls on the U.N. Human rights Council to urge the Government of South Sudan:

- To build up a Hybrid Court and to end impunity;
- To ensure the protection of the civilian population from violence and war;
- To free all political prisoners and to guarantee basic human rights.